



WEST VIRGINIA SENATE
COMMITTEE ON THE JUDICIARY

MINUTES FOR FEBRUARY 22, 2019, 3:00 P.M.

Pursuant to the call of the Chairman, the Senate Committee on the Judiciary met on February 22, 2019, at 3:00 p.m. in Room 208-W.

All members being present, with the exception of Senators Boso, Jeffries, and Trump, who were absent, the Chairman declared the presence of a quorum. (See attached roll call and agenda).

Senator Weld chaired the meeting. Senator Maynard was Vice Chair.

On motion of Senator Maynard, the minutes from the previous meeting were approved.

S. B. 273 - Clarifying information request by Commission on Special Investigations be provided promptly.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, John B. McCusky, West Virginia State Auditor, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

Senator Smith moved to amend the committee substitute on page 8, line 8 by striking out the words "prior to undertaking."

On motion of Senator Woelfel, the previous question was put.

The question being on Senator Smith's motion, the same was put, and division of the body was requested by Senator Beach.

The vote being 8 in favor and 5 opposed, the amended was adopted.

On motion of Senator Maynard, the committee agreed to the committee substitute, as amended.

On motion of Senator Maynard, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

Chairman Weld moved S. B. 353 next on the agenda.

S. B. 353 - Increasing salaries of magistrates, supreme court justices, circuit court judges and family court judges.

Tom Smith, Chief Counsel, explained the bill, and responded to questions.

With leave of the committee, Louis H. Bloom, Kanawha County Circuit Judge, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Maynard, the committee reported the bill to the full Senate with the recommendation that it do pass, but first be referred to the Committee on Finance.

S. B. 348 - Relating to tobacco usage restrictions.

Debra Graham, Counsel, explained the bill, the purpose of the proposed committee substitute for committee substitute, and responded to questions.

With leave of the committee, Timothy Lefebvre, West Virginia Chapter of American Academy of Pediatrics, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Annette Santilli, Administrator, Barbour County Health Department, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Takubo, the committee amended the committee substitute for the committee substitute on page 7, sections 12 and 13, by removing language regarding smoking in any facility holding a valid racetrack video lottery license.

Senator Takubo moved to amend the committee substitute for the committee substitute to include language forbidding smoking in a vehicle with a person age 17 or younger.

Unanimous consent being granted, Senator Takubo withdrew his amendment.

Senator Azinger moved to amend the bill to reduce the age an individual may purchase tobacco products from 21 to 19 in all applicable places throughout the bill.

The amendment was rejected.

On motion of Senator Hardesty, the committee amended the committee substitute for the committee substitute on page three, section two, sub section (b) and (c) by removing the words “firm, corporation or business entity”.

On motion of Senator Clements, the committee amended the committee substitute for the committee substitute to provide that a person under 21 years of age, who has a valid West Virginia driver’s license, and who purchases a tobacco product or a tobacco derived product is subject to a 30 day license suspension, while an individual under 21 years of age, who does not have a valid West Virginia driver’s license, and who purchases a tobacco product or a tobacco derived product is subject to a \$50 fine.

On motion of Senator Takubo, the committee amended the committee substitute for the committee substitute on page three, section two, sub section (b) and (c) by adding the words “firm, corporation or business entity”.

Senator Takubo requested a ruling of the Chair as to whether smoking in cars with another individual who is age 17 or younger would be germane.

The Chair ruled that it was germane and in order.

On motion of Senator Takubo, the committee amended the committee substitute for the committee substitute by adding a new section providing that a person operating a motor vehicle may not use any tobacco product or any tobacco derived product, if any of the passengers in the vehicle are under 17 years of age.

On motion of Senator Lindsay, the committee amended the committee substitute for the committee substitute on page 8, line 12, Section 12, subsection (b) by striking “different from or add to” and adding in lieu thereof the words “is contrary”.

S. B. 136 - Relating to tobacco usage and e-cigarette restrictions.

Debra Graham, Counsel, explained the bill, and responded to questions.

On motion of Senator Maynard the committee amended the bill to include applicable language of S.B. 136 into committee substitute for the committee substitute for S. B. 348.

On motion of Senator Maynard, the committee agreed to the committee substitute for committee substitute, as amended.

On motion of Senator Maynard, the committee reported the committee substitute for committee substitute to the full Senate with the recommendation that it do pass.

S. B. 412 - Establishing Katherine Johnson Fair Pay Act of 2019.

Anne Ellison, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Kelly Allen, National Organization of Women, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Maynard, the committee agreed to the committee substitute.

On motion of Senator Maynard, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 600 - Relating to preservation and disposal of biological evidence.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Maynard, the committee agreed to the committee substitute.

On motion of Senator Maynard, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 657 - Providing consumer protection regarding self-propelled farm equipment.

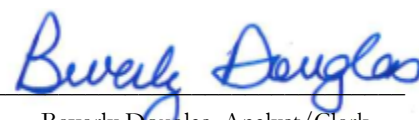
Sarah Canterbury, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Maynard, the committee agreed to the committee substitute.

On motion of Senator Maynard, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

On motion of Senator Maynard, the committee adjourned.

Ryan W. Weld, Vice Chair



Beverly Douglas, Analyst/Clerk